

REMARKS

Claims 34-44 remain in the application. All of the claims were finally rejected under Section 102 or Section 103 based on Hori (U.S. 6,208,916) alone or in combination with Mountz (U.S. Application No. 2004/0010337). The rejections are presented on the substantially same basis offered in the prior non-final office action. However, based on the amendments previously presented it is submitted that the rejections are now more clearly in error.

By way of example, although claim 34 is now fully distinguished over the Hori reference, the final rejection finds that reference as disclosing both a first data processing device and a second data processing device. Applicant's second device is positionable on or within the transport mechanism. The rejection cites item 18 as a data processing device, but the Hori reference clearly discloses such as a "map". See Col. 3, line 39. Thus the reference cannot anticipate the claims. Applicant notes that the Examiner has repeatedly relied on the passages at col. 3 and yet does not seem to acknowledge what this disclosure actually states.

Further, it must be noted that applicant's provision of the first and the second devices enables capabilities not heretofore suggested. For example, as recited in claim 43, the claimed monitoring system is capable of providing inventory information. Moreover, with the first device being a stationary device in the facility (as illustrated for an exemplary embodiment), the system is capable of tracking the activities of multiple transport mechanisms each having a second one of the data processing devices on or within the transport mechanism.

It is also made of record that numerous ones of the rejections directed at dependent claims are deficient for failing to identify the additional claimed subject matter. The final rejection presents a litany of features which the Examiner states are present in the Hori reference, but the Examiner does not identify disclosure sufficient to reject specific claims. Efforts made on behalf of the applicant to associate these features with claimed subject matter confirm that there are gaps. For example, Col. 3, lines 10-17 were cited for disclosing a system configured to provide "position coordinates with at least one area identifier" but nothing in the citation at all relates to this feature. If, to the contrary, the citation did disclose this feature, the Examiner could and should have identified a specific passage in the thirty lines of text which were cited.

The argument for finding the added subject matter recited in claim 38 is also deficient. The rejection again cites Col. 3, lines 10-17 which say nothing about a monitoring system "configured to determine a type of storage of the material from the position angle."

Further, there is simply no support for finding the subject matter recited in claim 41. The system of claim 41 is configured to define material pick-up points with respect to a material-relevant point on the transport mechanism. Other deficiencies are present with respect to other dependent claims as well.


The invention is not taught or suggested by the art of record. Further, each of the dependent claims defines one or more features which further distinguish the invention. By way of further example, the detection device recited in claim 40 provides current position information to the first data processing device for determination of current speed and position angle of the transport mechanism. The system of claim 42 is configured to "define material relevant points for different types of transport mechanisms including stacker trucks; define elevation coordinates in conjunction with the planar position coordinates; and determine a position angle of the transport mechanism relative to a storage location." The material transport system according to claim 42 is configured to verify and provide storage inventory information according to discrete storage locations. None of this subject matter is suggested by the prior art.

#### Conclusion

It is urged that the rejections are not properly founded. For all of the reasons presented, the application is now in condition for allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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